DISTRICT COUNCIL OF Streaky Bay
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GIFTS AND BENEFITS POLICY

Policy No: **DCSB-G-09-13**	Approved on: **18 March 2025**	Administered by: **General Manager of Business**
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Strategic Plan link:
A Council that is actively responsive to community needs and delivers financial sustainability, governance and leadership.

References and related Policies, Procedures and Forms:
Local Government Act 1999
DCSB-FM-07-05 Procurement Policy
DCSB-G-09.01 Code of Conduct for Elected Member
DCSB-HR-12.02 Code of Conduct for Council Employees
DCSB-SM-18.01 Risk Management Policy
DCSB-HR-12.03 Fair Treatment Policy
DCSB-G-09.11 Public Interest Disclosure Policy
DCSB-G-09.03 Internal Review of a Council Decision Policy
DCSB-HR-12.09 Performance and Development Policy
DCSB-CR-02.01 Customer Complaints Policy
DCSB-G-09.08 Fraud, Corruption, Misconduct and Maladministration Prevention Policy
Employees Gifts and Benefits Register
Elected Members Gifts and Benefits Register

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Background

Council is committed to acting in the best interests of the community in upholding the principles of honesty, integrity and transparency, all key components of good governance.

1. Objectives

The purpose of this Policy is to provide guidance to Council Members in relation to Gifts and Benefits, by distinguishing gifts and benefits that can be reasonably accepted and those that must be refused, and to ensure that all gifts and benefits are managed in a transparent and accountable fashion.

2. Scope

This policy applies to all Council Members of the District Council of Streaky Bay.

3. Definitions

Benefit means something which is believed to be of value to the receiver, such as a service, and may include lunches, vouchers, accommodation, concert tickets etc.

Bribe means a gift or benefit given with the direct intention to influence behaviour

Council means the District Council of Streaky Bay

Council Member means all current Elected Members and / or employees of the District Council of Streaky Bay

Employees means all employees of the District Council of Streaky Bay

Gift(s) of Gratitude means a gift of minor value such as for excellent customer service, for speaking at functions etc.

Register(s) means the Council's Register of Gifts and Benefits

4. Policy Statement

Council is committed to preventing corruption in all forms, protecting its integrity and reputation and protecting Council Members from allegations of impropriety.

Council Members must be, and be seen to be, ethical, fair and scrupulous in carrying out their official duties.

Council members must be accountable and responsible for their actions at all times and must ensure that the methods and procedures they use to arrive at decisions in relation to gifts and benefits are consistent with the law, can withstand public scrutiny and audit processes.

The acceptance of gifts or benefits of any kind is generally discouraged however, Council recognises that in certain circumstances gifts and benefits may be offered and accepted, with little risk or harm in permitting this to occur.

As a matter of law, and indeed Council Policy, any gift or benefit must be refused if it is given to influence, or if receiving it would, in the mind of a reasonable person, be perceived that it would prevent the receiver's ability to act impartially.

5. Seeking and Accepting Gifts and Benefits

Council Members must not:

- seek gifts and benefits of any kind.

- accept any gift/benefit that may create a sense of obligation on a Council Members' part or may be perceived to be intended, or likely to influence them, in carrying out their public duty.
- accept any gift or benefit from any person who is in, or who seeks to be in, any contractual relationship with Council.
- accept any gift/benefit from any person/organisation involved in a tendering or procurement process, either recent or ongoing; or
- accept any cash and or gift card, unless used for a Council purpose.

If there are is any doubt as to whether a gift or benefit contains an implied obligation of the Council Member, or an intention to influence a decision, it must be refused.

The following summary outlines basic considerations, in relation, to the appropriate course of action in relation to gifts and benefits:

6.1 Employees

GIFT VALUE	COURSE OF ACTION
Cash or Gift Card	Must not be accepted- unless used it can for a Council purpose.
Less than $50	May accept and must be entered into Gifts and Benefits Register
Greater than $50	May accept, subject to approval from Manager or CEO and be entered into the Gifts and Benefits Register

6.2 Elected Members

GIFT VALUE	COURSE OF ACTION
Cash or Gift Card	Must not be accepted unless it can be used for a Council purpose.
Less than $50	May accept, subject to Clause 6 of this Policy and the Code of Conduct and must be entered into Gifts and Benefits Register
Greater than $50	May accept, subject to Clause 6 of this Policy and the Code of Conduct for Council Members and must be entered into Register Must be disclosed in Register of Interest – Ordinary Return

6. Treatment of Conference Prizes

Any prize obtained at a conference or seminar attended as part of official duties and paid for by Council can be accepted, as the Council Member has not been directly targeted as the recipient. A prize value of up to $100 may be retained by the Council Member. A prize more than $200 will be the property of Council and must be reported to the Chief Executive Officer. A prize worth more than $200 will be used by Council and / or be offered as a raffle item.

7. Declaration and Reporting of Gifts and Benefits

ALL gifts and benefits, regardless or value that have been REFUSED MUST BE REPORTED to the Chief Executive Officer.

The Chief Executive Officer or delegated officer will be responsible for entering gifts and benefits into Council's Register of Gifts and Benefits.

The Gifts and Benefits register will be available for public inspection at Council's Principal Office at 29 Alfred Terrace, Streaky Bay and or on the Council's website: www.streakybay.sa.gov.au.

8. What is not a Gift or Benefit?

The following matters are not captured by this Policy:

- A product or service with no connection to the Council Member's position at Council.
- A product or service provided as an award or a form of recognition; and
- A discounted product or service that is available to any member of the public.

9. Suspected bribery or misconduct

Any suspected bribery, or a reasonable suspicion that a Council Member is seeking gifts or benefits, must be reported to the Chief Executive Officer and the Office for Public Integrity

Any suspected bribery, or a reasonable suspicion that a Chief Executive is seeking gifts or benefits, must be reported to the Mayor and the Office for Public Integrity.

10. Records

All records shall be kept and disposed of in accordance with Council's Records Management Policy & Procedure and the Local Government General Disposal Schedule.

11. Review and Evaluation

This Policy will be reviewed by Council every 4 years, or as deemed necessary in consideration of any changes to legislation and relevant standard codes.

12. Further Information and Policy Availability

This policy will be available for inspection at Council's Principal Office listed below during ordinary business hours and available to be downloaded, free of charge, from Council's internet site: www.streakbay.sa.gov.au

District Council of Streaky Bay
29 Alfred Tce
Streaky Bay SA 5680

Copies will be provided to interested parties upon request. Email dcstreaky@streakybay.sa.gov.au

Version History

Version No	Issue Date	Description of Change	Date Endorsed
Version 1		New Policy	17 February 2021
Version 2		No Amendments required	18 March 2025